

Chapter 5
Public Safety, Morals and Welfare

Article 1: Public Emergency Procedures

Division 1: Public Emergency Procedures

(Editors note: Division 1 created 11-3-1988 for clarity.)

§51.0101 Purposes

The declared purposes of this Article are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of an emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons. The provisions of this Article are limited by the provisions of the Charter of The City of San Diego, Sections 17, 24, and 27.
(Added 2-5-1974 by O-11230 N.S.)

§51.0102 Definition

As used in this Article, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the public peace, health or safety of persons or property within this City caused by, but not limited to, such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war.
(Amended 4-21-1976 by O-11833 N.S.)

§51.0103 Disaster Council Membership

The City of San Diego Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be Chairman.
- (b) The Director of Emergency Services, who shall be Vice Chairman.
- (c) The Assistant Director of Emergency Services.
- (d) Such chiefs of Emergency Services as are provided for in a current emergency plan of this City, adopted pursuant to this Article.

- (e) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director with the advice and consent of the City Council.

(Added 2-5-1974 by O-11230 N.S.)

§51.0104 Disaster Council — Powers and Duties

It shall be the duty of The City of San Diego Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the Chairman, or, in his absence from the City or inability to call such meeting, upon call of the Vice Chairman.

(Added 2-5-1974 by O-11230 N.S.)

§51.0105 Director and Assistant Director of Emergency Services

- (a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.

- (b) There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director.

(Added 2-5-1974 by O-11230 N.S.)

§51.0106 Powers and Duties of the Director and Assistant Director of Emergency Services

- (a) The Director is hereby empowered to:
 - (1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.
 - (2) Request the Governor to proclaim a "state of emergency" when, in the opinion of The Director, the locally available resources are inadequate to cope with the emergency.
 - (3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Article.

- (4) Direct cooperation between the coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.
- (5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.
- (6) In the event of the proclamation of a "local emergency" as herein provided, the proclamations of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the Director is hereby empowered:
 - (A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
 - (B) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use within the confines of the Charter of The City of San Diego and state law;
 - (C) To require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the county, in which this City is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
 - (D) To requisition necessary personnel or material of any City department or agency; and
 - (E) To execute all of his ordinary power as City Manager, all of the special powers conferred upon him by this ordinance or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by

any agreement approved by the City Council, and by any other lawful authority.

- (b) The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings or is otherwise unable to perform his duties during an emergency. Such order of succession shall be approved by the City Council.
- (c) The Assistant Director shall, under the supervision of the Director and with the assistance of Emergency Service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.

(Added 2-5-1974 by O-11230 N.S.)

§51.0107 Emergency Organization

All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Sec. 51.0106a6c of this ordinance, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of The City of San Diego.

(Added 2-5-1974 by O-11230 N.S.)

§51.0108 Emergency Plan

The City of San Diego Disaster Council shall be responsible for the development of The City of San Diego Emergency Plan, which plan shall provide for the effective mobilization of all the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

(Added 2-5-1974 by O-11230 N.S.)

§51.0109 Expenditures

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of San Diego.

(Added 2-5-1974 by O-11230 N.S.)

§51.0110 Punishment of Violations

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500), or by imprisonment for not to exceed six months, or both, for any person, during an emergency to:

- (a) Willfully obstruct, hinder, or delay any peace officer or any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Article, or in the performance of any duty imposed upon him by virtue of this Article.
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to this Article, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.
- (c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

(Added 2-5-1974 by O-11230 N.S.)

§51.0111 Severability

If any provision of this Article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Article are declared to be severable.

(Added 2-5-1974 by O-11230 N.S.)